

IN THE UNITED STATES RECEIVING OFFICE

In the **PATENT APPLICATION** of:

Lehmann et al.

U.S. Appln. No.: 10/009,131

PCT Appln No. : PCT/EP00/03860

Filed: 5 November 2001

For: DEVICE FOR PERFORMING
ANALYSES ON CELL CULTURES

Group: Not Yet Known

Examiner: Not Yet Known

Our File: WMP-PT002
(MIC140US)

Date: 1 August 2003

**RENEWED PETITION UNDER 37 C.F.R. 1.47(a)
TO ACCEPT DECLARATION ON BEHALF
OF INVENTOR WHO REFUSES TO SIGN**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Office of PCT Legal Administration

RECEIVED
09 SEP 2003
Legal Staff
International Division

Sir:

Applicant hereby renew its November 7, 2002 petition to the Commissioner under 37 C.F.R. 1.47(a) to accept the signed Declaration and Power of Attorney of the remaining inventors besides Bernhard Wolf, who refuses to sign the declaration. Following a June 2, 2003 decision on applicant's petition, applicant has not yet secured the signature of Dr. Wolf. To that end, the Applicant is gathering the proof required by 37 C.F.R. 1.47(a)(2) but does not yet have such proof.

That being the case, applicant's attorney appreciated that Examiner Baccares took the time to discuss the case on July 29, 2003. during that conversation, Examiner

Baccares stated that the applicant had two options: file for a retroactive time extension when the documents are received or file the present request. Examiner stated that by filing the renewed request that is partially responsive to the June 2, 2003 petition denial, he would deny the renewed petition and set another two month time limit to renew the request again. Based on the Examiner's advice, this is the course of action the applicant has chosen. What follows is the renewed petition.

According to the June 2, 2003 denial, one of the four requirements under 37 C.F.R. 1.47(a) was met. That was the fee requirement of 37 C.F.R. 1.47(a)(1). Accordingly, a new fee is not submitted with this renewed petition.

Following entry of this renewed petition, requirements 3 and 4 are also believed to be met.

37 C.F.R. 1.47(a)(3). The last known address of Dr. Wolf is:

Heinz-Nixdorf
Lehrstuhl für medizinische Elektronik
Technische Universität München
Theresienstrasse 90
80333 Munich Germany

37 C.F.R. 1.47(a)(4). The petition denial states that the Declaration is defective since it appears that not all of the inventors received the entire declaration. This conclusion was supported by the fact that the Declaration pages are labeled in order "page 1 of 2", "page 2 of 2", "page 3 of 4", and "page 4 of 4". Based on this confusing numbering, the Examiner concluded that the people who signed on page 2 and pages 3 and 4 may not have seen the entire declaration. This is not the case. The bottom of

page 2 specifically states that the Declaration has "2 Supplemental Additional Inventor(s) Sheet(s) PTO/SB/02A attached hereto."

The problem with the page numbers is a problem with the automatic form generated in Adobe. For a two page standard Declaration, the Adobe form downloaded from the PTO lists the page numbers automatically as "1 of 2" and "2 of 2". These numbers cannot be edited in Adobe. The additional Adobe form for additional inventors has an editable space for filling in the page numbers. The applicant filled in those numbers as "3 of 4" and "4 of 4" respectively since the entire Declaration was four- not two- pages long as indicated on page 2. The entire Declaration, that is, all *four* pages of the Declaration, was transmitted to the Assignee for execution. Since all of the inventors besides Dr. Wolf signed the complete Declaration, the requirements of 37C.F.R. 1.47(a) are also met. (Since the inventors signed at different times and in different locations, there are three copies of page three of the Declaration- one page for each inventor listed thereon.)

Submitted herewith in support of the renewed petition is the documentation that supported the original petition including the Declaration and Power of Attorney (submitted with the accompanying response to Notice to File Missing Parts) signed by all of the inventors of the above application, except that the signature space for the inventor who refuses to sign, Dr. Wolf, has been left blank.

Although Dr. Wolf may eventually be persuaded to join in the above application, this petition is being filed and the application is being made by the other inventors on behalf of themselves and the non-signing inventor, because of the time for responding to the Notification of Missing Requirements under 35 U.S.C. 371, and so as not to

jeopardize the filing date or any other rights of the inventors and the Assignee in the present application.

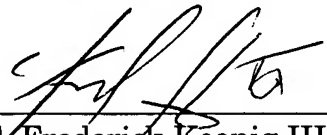
The Assignee has diligently attempted to contact Dr. Wolf since prior to November 6, 2001 in order to have the required inventor Declaration for this application signed, and has been unsuccessful to date in obtaining his signature after diligent efforts. Accordingly, grant of this renewed petition and further processing of the application are respectfully requested, or alternatively, denying this petition but inviting the applicant more time to respond is also requested.

Should the Examiner have any questions that he believes could be more efficiently addressed on the telephone, applicant welcomes the opportunity.

Respectfully submitted,

Lehmann et al.

By


C. Frederick Koenig III
Registration No. 29,662
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

CFK/SBS/rw
Enclosures

01 AUG 2003

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PTO/SB/01 (12-97)

Approved for use through 8/30/00. OMB 0851-0032

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted with Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	WMP-Pt002
	First Named Inventor	Lehmann et al.
	COMPLETE IF KNOWN	
	Application Number	10/009,131
	Filing Date	November 5, 2001
	Group Art Unit	Not Yet Known
Examiner Name	Not Yet Known	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DEVICE FOR PERFORMING ANALYSES ON CELL-CULTURES

the specification of which

(Title of the Invention)

☐ is attached hereto
OR
☒ was filed on (MM/DD/YYYY)

11/05/2001

as United States Application Number or PCT International

Application Number 10/009,131 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
199 20 811.5	Germany	05/06/1999	<input type="checkbox"/>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
		<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → +

PTO/SB/01 (12-97)
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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
PCT/EP00/03860	04/28/2000	

☐ Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☒ Customer Number 3624 → Place Customer Number Bar Code Label here

☐ OR Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number
Namely, the Attorneys of Volpe and Koenig, P.C.			

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number 3624 OR ☐ Correspondence address below

Name	VOLPE AND KOENIG, P.C.				
Address					
Address					
City		State		ZIP	
Country		Telephone		Fax	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: Mirko Lehmann ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))		Family Name or Surname	
Mirko		Lehmann	
Inventor's Signature			Date
			7/22/00
Residence: City	Freiburg	State	Country
			Germany
Post Office Address	Runzstrasse 71		
Post Office Address			
City	Freiburg	State	Country
			Germany

☒ Additional inventors are being named on the 2 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Please type a plus sign (+) inside this box →



PTO/SB/02A (11-00)

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DECLARATION

 ADDITIONAL INVENTOR(S)
 Supplemental Sheet
 Page 3 of 4

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Martin		Brischwein Brischwein Brischwein	
Inventor's Signature <i>Martin Brischwein</i>		Date <i>07/20/02</i>	
Residence: City Schweinfurt	State	Country Germany	Citizenship German
Mailing Address Stephanstrasse 6			
Mailing Address			
City Schweinfurt	State	ZIP D-97424	Country Germany
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Werner		Baumann	
Inventor's Signature		Date	
Residence: City Bühl	State	Country Germany	Citizenship German
Mailing Address Riedmattenstrasse 18			
Mailing Address			
City Bühl	State	ZIP D-77815	Country Germany
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Ralf		Ehret	
Inventor's Signature		Date	
Residence: City Merdingen	State	Country Germany	Citizenship German
Mailing Address Enggasse 19			
Mailing Address			
City Merdingen	State	ZIP D-79291	Country Germany

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

M.P.

10/07/02

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet
Page 3 of 4

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Martin		Brischwein Brischwein	
Inventor's Signature		Date	
Residence: City Schweinfurt	State	Country Germany	Citizenship German
Mailing Address Stephanstrasse 6			
Mailing Address			
City Schweinfurt	State	ZIP D-97424	Country Germany
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Werner		Baumann	
Inventor's Signature <i>Werner Baumann</i>		Date 07/25/2002	
Residence: City Bühl	State	Country Germany	Citizenship German
Mailing Address Riedmattenstrasse 18			
Mailing Address			
City Bühl	State	ZIP D-77815	Country Germany
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Ralf		Ehret	
Inventor's Signature		Date	
Residence: City Merdingen	State	Country Germany	Citizenship German
Mailing Address Enggasse 19			
Mailing Address			
City Merdingen	State	ZIP D-79291	Country Germany

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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>3</u> of <u>4</u>
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Martin		Brüchschwein <i>Brüchschwein</i>	
Inventor's Signature		Date	
Residence: City Schweinfurt	State	Country Germany	Citizenship German
Mailing Address Stephanstrasse 6			
Mailing Address			
City Schweinfurt	State	ZIP D-97424	Country Germany
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Werner		Baumann	
Inventor's Signature		Date	
Residence: City Bühl	State	Country Germany	Citizenship German
Mailing Address Riedmattenstrasse 18			
Mailing Address			
City Bühl	State	ZIP D-77815	Country Germany
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Ralf		Ehret	
Inventor's Signature <i>Ralf Ehret</i>		Date 07/24/2002	
Residence: City Merdingen	State	Country Germany	Citizenship German
Mailing Address Enggasse 19			
Mailing Address			
City Merdingen	State	ZIP D-79291	Country Germany

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DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet
Page 4 of 4

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Ingo		Freund	
Inventor's Signature <i>Ingo Freund</i>		Date <i>23/7/02</i>	
Residence: City	Vogtsburg-Oberrotweil	State	Country Germany
Citizenship		German	
Mailing Address Obermuhlenweg 1			
Mailing Address			
City	Vogtsburg-Oberrotweil	State	ZIP D-79235
Country		Germany	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Bernhard		Wolf	
Inventor's Signature		Date	
Residence: City	Stegen	State	Country Germany
Citizenship		German	
Mailing Address Andreasstrasse 12			
Mailing Address			
City	Stegen	State	ZIP D-79252
Country		Germany	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	Country
Citizenship			
Mailing Address			
Mailing Address			
City		State	ZIP
Country			

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FORM PTO-1390
(REV. 01-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

WMP-PT002 (MIC140US)

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

10/009,131

INTERNATIONAL APPLICATION NO.
PCT/EP00/03860

INTERNATIONAL FILING DATE
April 28, 2000

PRIORITY DATE CLAIMED
May 6, 1999

TITLE OF INVENTION A DEVICE FOR PERFORMING ANALYSIS ON CELL CULTURES

APPLICANT(S) FOR DO/EO/US Lehmann et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Renewed Petition Under 37 C.F.R. 1.47(a) to Accept Declaration on Behalf of Inventor Who Refuses to Sign
Copy Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office;
Copy of Previously Filed Declaration for Utility or Design Patent Application;

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/009,131		INTERNATIONAL APPLICATION NO. PCT/EP00/03860		ATTORNEY'S DOCKET NUMBER WMP-PT002	
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21. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1060.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$900.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$750.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$720.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$18.00	\$	
Independent claims	- 3 =		x \$84.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$ 0	
				Amount to be refunded:	\$
				charged:	\$

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any
overpayment to Deposit Account No. 22-0493. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card
information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)
or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

USPTO Customer Number 3624
 Volpe and Koenig, P.C.
 United Plaza, Suite 1600
 30 South 17th Street
 Philadelphia, PA 19103

SIGNATURE
 C. Frederick Koenig III
 NAME
 29,662
 REGISTRATION NUMBER



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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10/009,131

Mirko Lehmann

SMB-PT036 (PC 00 320 H)

WMP-P102 US

INTERNATIONAL APPLICATION NO.

PCT/EP00/03860

I.A. FILING DATE

04/28/2000

PRIORITY DATE

05/06/1999

 Volpe and Koenig
 Suite 400 One Penn Center
 1617 John F Kennedy Boulevard
 Philadelphia, PA 19103

 RECEIVED
 AM/PM

MAY 13 2002

VOLPE & KOENIG, P.C.

CONFIRMATION NO. 5548

371 FORMALITIES LETTER

OC000000008037759

Date Mailed: 05/07/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of Annexes to the IPE
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination
- Substitute Specification

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

DOCKETED FOR 7/7/02 Missing requirements

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,131	PCT/EP00/03860	SMB-PT036 (PC 00 320 H US